

### Remarks

Claims 1 - 4 and 6 - 25 are pending. Favorable reconsideration is respectfully requested.

Claims 1 - 11 have been rejected under 35 U.S.C. § 112 ¶1, apparently for claiming an anion. Claim 1 has been amended to recite "A composition of matter comprising a ligand . . . ." Applicant is aware that an anion alone, *per se*, must have but fleeting existence. A counterion must be present, or the ligand may become chemically bound to another moiety through the anion lone pair of electrons. Thus, the claim has been amended to recite a composition of matter comprising the ligand, which Applicant believes is clear and enabling. Lithium salts, where lithium is the counterion, are disclosed. One skilled in the art can easily replace the lithium counterion with other metal counterions by displacement or other well known techniques, and the anion can be chemically bound by reacting the lithium or other metal salt with a compound such as a metal chloride or an organic compound containing active chlorine, and removing lithium or metal chloride salt formed in the process. Enablement is adjudged by one skilled in the art, to whom the claim is both enabled and definite. Withdrawal of the rejection of claims 1 - 11 under 35 U.S.C. § 112 ¶1 on this basis is solicited. The language of the remaining claims has been adjusted in syntax in view of the amendment to claim 1.

Claims 1 - 9 have been rejected under 35 U.S.C. § 112 ¶2 as set forth in numbered paragraph 5 on page 3 of the Office Action. The definitions of R<sup>3</sup> and R<sup>4</sup> have been added. Support may be found in the specification and in claim 12. With respect to R<sup>5</sup> and R<sup>6</sup>, these are defined in claim 2, and thus there is no issue of indefiniteness. R<sup>5</sup> and R<sup>6</sup> are coextensive with R<sup>3</sup> and R<sup>4</sup> of claim 1, and therefore claim 2 has been amended in this respect. Withdrawal of the rejection of claims 1 - 9 under 35 U.S.C. § 112 ¶2 is solicited. Applicant apologize for the error of not including the definition of R<sup>3</sup> and R<sup>4</sup> in claim 1, which was inadvertent.

Claim 15 has been amended to recite  $L_n$  rather than  $Ln$ . Withdrawal of the 35 U.S.C. § 112 ¶2 rejection of claim 15 is solicited.

Claim 5 has been cancelled. Claim 17 has been amended to be independent. Withdrawal of the rejection of claim 17 is solicited. The Examiner is correct in that the moieties  $R^1$  and  $R^2$  and  $R^7$  and  $R^8$  are not linked. New claim 25 has been added with respect to compositions whereby these moieties may be linked.

Claims 12 - 15, 17, 23, and 24 have been rejected under 35 U.S.C. § 102(b) as anticipated by Srebnik et al. U.S. Patent 5,665,834 ("*Srebnik*"). Applicant respectfully traverses this rejection. With the exception of claims 17 and 25, no cyclic structures containing Applicant's "Y" are within the scope of Applicant's claims. With respect to claims 17 and 25, kindly refer to the following remarks.

*Srebnik* discloses zirconium complexes containing two cyclopentadiene moieties  $\eta$ -bonded to zirconium, to which is also bonded an additional chlorine ligand. In addition to these ligands, *Srebnik* bonds zirconium to alkyl or alkenyl cyclicboronate ester ligands where the oxygens of the boronate are linked by a cyclic structure. It is clear that the cyclic boronate ester linkage as well as the  $(Cp)_2Cl$  ligands are necessary to the *Srebnik* catalysts.

None of the catalysts of claims 1 - 4, 6 - 16, or 18 - 24 contain any cyclic structure around boron. With respect to the structure of claim 17, this structure contains but one Cp ligand and not two, and is clearly neither anticipated nor obvious from *Srebnik*, who also fails to identify the oxygen-zirconium coordination. With respect to claim 25, the replacement group for  $R^1$  and  $R^2$  include neither alkoxy nor aryloxy groups, and thus no boronic esters, whether cyclic or not, are possible. It is further noted that *Srebnik* discloses only cyclic boronate esters, and his synthetic method can only produce such compounds. Withdrawal of the rejection of the claims under 35 U.S.C. § 102(b) over *Srebnik* is solicited.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, he is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

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